

## **MINUTES**

### **MONTANA SENATE 61st LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION**

**Call to Order:** Chairman Donald J. Steinbeisser, on February 10, 2009 at 3:00 P.M., in Room 303 Capitol.

#### **ROLL CALL**

**Members Present:**

Sen. Donald J. Steinbeisser, Chairman (R)  
Sen. Terry Murphy, Vice Chairman (R)  
Sen. Gary Branae (D)  
Sen. Taylor Brown (R)  
Sen. Bradley Hamlett (D)  
Sen. Ken (Kim) Hansen (D)  
Sen. Verdell Jackson (R)  
Sen. Cliff Larsen (D)  
Sen. Rick Ripley (R)

**Members Excused:** None.

**Members Absent:** None.

**Staff Present:** Joan Linkenbach, Committee Secretary  
Sue O'Connell, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: SB 232, 1/15/2009; SB 343, 2/3/2009

Executive Action: SB 217; SB 343; SB 167

**HEARING ON SB 343**

**Opening Statement by Sponsor:**

00:01:27 Sen. Verdell Jackson (R), SD 5, opened the hearing on SB 343, Regulation of zebra mussel and other invasive species.

**EXHIBIT(ags31a01)**

**Proponents' Testimony:**

00:10:54 Hal Harper, Representing the Governor's Office

00:15:20 Ron de Yong, Director, Department of Agriculture (DOA)

**EXHIBIT(ags31a02)**

00:20:12 Ted Williams, Ph.D, Board Member, Flathead Lakers Organization

**EXHIBIT(ags31a03)**

00:23:56 Joe Brenneman, Flathead County Commission

00:24:57 Jeff Tiberi, Executive Director, Montana Association of Conservation Districts

00:25:43 John Youngberg, Montana Farm Bureau

00:27:34 Mike Murphy, Montana Water Resources Association

00:28:43 Mark Aagenes, Montana Trout Unlimited

00:29:11 Christa Lee Evans, Association of Gallatin Agricultural Irrigators, Senior Rights Coalition

00:29:57 Brianna Randall, Clark Fork Coalition

**EXHIBIT(ags31a04)**

00:30:45 Ariel Overstreet, Montana Stockgrowers Association; Montana Cattle Women

00:31:37 David Hoffman, PPL Montana

00:32:53 Casey Perkins, Montana Audubon

00:33:24 Robin Cunningham, Fishing Outfitters Association of Montana

00:34:08 Caryn Miske, Executive Director, Flathead Basin Commission (FBC)

00:35:59 Robin Cunningham spoke for Bob Gibson, Walleye Unlimited

**Opponents' Testimony:** None.

**Informational Testimony:**

00:36:33 Mark Reller, Bonneville Power Administration

00:40:40 Caryn Miske, FBC

**Questions from Committee Members and Responses:**

00:41:14 Sen. Hansen  
00:42:17 Ms. Miske, FBC  
00:42:40 Sen. Hansen  
00:41:54 Sen. Jackson  
00:42:07 Ms. Miske, FBC  
00:43:31 Cort Jensen, Attorney, DOA  
00:44:15 Sen. Hansen  
00:44:20 Mr. Jensen, DOA  
00:44:32 Sen. Ripley  
00:45:10 Sen. Jackson  
00:46:27 Sen. Ripley  
00:46:53 Sen. Jackson  
00:48:41 Sen. Ripley  
00:49:02 Sen. Jackson  
00:49:57 Sen. Ripley  
00:50:26 Sen. Jackson  
00:52:02 Sen. Ripley  
00:52:28 Sen. Brown  
00:52:57 Sen. Jackson  
00:53:30 Sen. Brown  
00:53:49 Sen. Jackson  
00:54:30 Sen. Larsen  
00:55:14 Mr. de Yong, DOA  
00:57:08 Sen. Larsen  
00:57:47 Mr. de Yong, DOA  
00:59:21 Sen. Ripley  
00:59:39 Eilene Ryce, Aquatic Species Coordinator  
01:01:16 Ms. Ryce  
01:02:25 Sen. Hamlett  
01:02:42 Ms. Ryce  
01:04:58 Chairman Steinbeisser  
01:05:42 Ms. Ryce  
01:05:57 Sen. Hansen  
01:07:18 Sen. Jackson

**Closing by Sponsor:**

01:07:30 Sen. Jackson

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**HEARING ON SB 232**

**Opening Statement by Sponsor:**

01:09:58 Sen. Carolyn Squires (D), SD 48, opened the hearing on  
SB 232, State pancake.

**Proponents' Testimony:**

01:12:52 Angie Palin, Teacher, Missoula

01:15:31 Minkie Medora, Registered Dietician, Montana Dietetic  
Association (MDA) Board Member, Montana Food Bank  
Network (MFB)

**EXHIBIT(ags31a05)**

01:21:54 Sen. Ripley left the room.

01:23:18 Marla Heddman, Archwood Farms, Trout Creek

01:24:22 Pat Keim, Resident of Helena

01:26:10 Ron de Yong DOA

**Opponents' Testimony:**

01:27:08 Jacob Ticknor

**EXHIBIT(ags31a06)**

01:28:12 Bethany Ticknor

**EXHIBIT(ags31a07)**

01:29:36 Eli Ticknor

**EXHIBIT(ags31a08)**

01:31:06 Hannah Ticknor

**EXHIBIT(ags31a09)**

01:32:53 Thomas Ticknor

**EXHIBIT(ags31a10)**

**Informational Testimony:** None.

**Questions from Committee Members and Responses:**

01:35:08 Sen. Hansen

01:35:52 Ms. Medora, MDA

01:37:28 Sen. Hansen

**Closing by Sponsor:**

01:37:56 Sen. Squires

01:42:09 Chairman Steinbeisser

01:42:20 Sen. Squires

01:44:57 Recess

01:57:03 Reconvened

**EXECUTIVE ACTION ON SB 217**

(Previous Executive Action on SB 217 took place on February 9, 2009)

01:57:50 Chairman Steinbeisser

01:58:51 Sue McConnell, Legislative Services Division (LSD)

01:59:20 **Motion:** Sen. Brown moved that **SB 217 DO PASS AS AMENDED.**

**EXHIBIT**(ags31a11)

**Discussion:**

01:59:54 Sen. Hansen

02:01:50 Sen. Murphy

02:02:57 Sen. Hamlett

02:04:09 Sen. Brown

02:05:34 Sen. Steinbeisser

02:06:58 **Vote:** Motion failed 3-6 by roll call vote with Sen. Brown, and Sen. Steinbeisser voting aye. Sen. Ripley voted aye by proxy.

02:07:17 **Motion/Vote:** Sen. Hansen moved that **SB 217 BE TABLED AND THE VOTE REVERSED.** Motion carried.

**EXECUTIVE ACTION ON SB 343**

02:07:39 Sen. Jackson

02:08:19 **Motion:** Sen. Larsen moved that **SB 343 DO PASS.**

02:08:45 **Motion:** Sen. Jackson moved that **SB 343 BE AMENDED.**

**EXHIBIT**(ags31a12)

**Discussion:**

02:09:21 Sen. Jackson

02:11:44 **Vote:** Motion carried unanimously by voice vote.

02:12:12 **Motion/Vote:** Sen. Jackson moved that **SB 343 DO PASS AS AMENDED.** Motion carried unanimously by voice vote, present and voting.

**EXECUTIVE ACTION ON SB 167**

(Previous Executive Action on SB 167 took place on January 27, 2009)

02:12:25 Sen. Brown

02:12:55 Sue O'Connell, LSD

**EXHIBIT**(ags31a13)

02:15:21 **Motion/Vote:** Sen. Murphy moved to **RECONSIDER PREVIOUS ACTION TO TABLE SB 167**. Motion carried 6-2 by voice vote, present and voting, with Sen. Hansen and Sen. Jackson voting no.

02:17:48 **Motion:** Sen. Brown moved that **SB 167 DO PASS AS AMENDED**. (Motion was corrected in subsequent action.)

**Discussion:**

02:18:54 Sen. Ripley now present

02:19:06 Sen. Larsen

02:19:35 Sen. Jackson

02:20:13 Sen. Brown

02:20:29 Sue O'Connell, LSD

02:20:41 Sen. Hamlett

02:22:11 Sen. Hansen

02:22:39 **Motion/Vote:** Sen. Brown moved that **SB 167 BE AMENDED**. Motion carried unanimously by voice vote. (Exhibit 13). (Corrected motion)

02:23:07 **Motion/Vote:** Sen. Brown moved that **SB 167 DO PASS AS AMENDED**. Motion carried 6-3 by roll call vote with Sen. Branae, Sen. Hansen, and Sen. Jackson voting no.

**ADJOURNMENT**

Adjournment: 5:30 P.M.

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Joan Linkenbach, Secretary

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**Additional Exhibit**

**[EXHIBIT](#)** (ags31a14)

**[EXHIBIT](#)** (ags31a15)

Additional Documents:

**EXHIBIT ([ags31aad.pdf](#))**